

REMARKS

Claim 3 has been canceled, being now incorporated into Claim 1.

Reconsideration is respectfully requested for Claims 1, 2 and 4-13, said claims having been variously rejected under 35 U.S.C. 102, based upon U.S. Patent No. 6,109,582 to Repaci, et al., and under 35 U.S.C. 103, based upon the same Repaci, et al. reference. These rejections are respectfully traversed.

The Repaci, et al., reference is totally silent as to the adhesive elements being laminated to the clear plastic strip. Calling for the adhesives to be laminated to the plastic strip does not involve a method step. In dealing with apparatus claims, it is very clear that an applicant can claim a device having an element A and an element B, and that element B is connected to element A, without there being any objection which could be raised that the two elements being connected together constitute a method step. By the same token, an apparatus claim calling for a plastic strip having two sides and that an adhesive layer laminated to one of the two sides does not constitute a method step.

Not only does the Repaci, et al., reference fail to teach laminating the adhesive strips to the plastic strip, it totally fails to teach how the adhesive is attached to the strip through any mechanism. Col. 5, lines 17 and 18 of Repaci, et al., recite that, "Each of the adhesive areas 20-25 has an adhesive on it for adhesively coupling an object to it." It has no disclosure of any kind telling one how to attach the adhesive areas 20-25 to the strip, much less disclosing, teaching or even suggesting that the adhesive areas could be laminated to the strip, or how to accomplish such lamination.

The normal and accepted manner of accomplishing lamination involves an application of pressure, with or without heat.

Although lamination using pressure can be accomplished in varying forms, the lamination in the presently described process first deposits an adhesive material onto a strip of liner paper and then the adhesive material on the liner paper is pushed against the strip of clear plastic. This three (3) tiered combination is then run through a pair of rollers, and pressure applied to create the lamination. The liner paper is then peeled off to leave the final, laminated product having only the plastic strip and the adhesive "dots" laminated thereon.

Again, the reference has no suggestion of how to secure the adhesive to the underlying plastic strip — not one single word. On information and belief, the Repaci, et al., reference has

never resulted in a single product being manufactured in accord with its disclosures because the inventors, not only did not disclose how to attach the adhesive to the strip, much less how to laminate the adhesive to the strip, but did not, and do not now have knowledge of how to attach the adhesive to the strip.

Moreover, the Examiner has apparently overlooked one very important aspect of the present invention. As now called for in Claim 1, the plastic strip has a coated side and an uncoated side and for the adhesive to be laminated to the uncoated side. Because the coated side will not stick to the adhesive, the material can be rolled up and shipped in a large roll, not requiring the overlying strip used in FIG. 7 of the Repaci, et al., reference. The use of such a coated side on the strip clearly would not have been obvious to Repaci, et al., because if it were, it would not have included their overlying strip in the finished product. The Examiner's position that the coated side of Repaci's display strip is taken to be the side coated with the release paper (38) and the opposite side of the strip taken to be the uncoated side, is believed to be based upon error.

The silicone coating, in accordance with the present invention, is a permanent coating, not intended to ever be pulled away from the back side of the clear plastic strip. In being applied to the backside of the plastic strip, the silicone is sprayed or painted onto the clear plastic, and when dried, is permanently on the backside.

In sharp contrast, the layer 38 of Repaci has to be peeled off of the front side of the strip (FIG. 7) before the strip can be used. The Examiner's attention is respectfully directed to Column 7, lines 21-26 of Repaci. Claim 1, as currently amended, calls for the coated side of the plastic strip to be away from the side to which the adhesive is laminated.

Moreover, Claim 1 has been amended to call for the adhesive elements to have a lesser width than the width of the plastic strip. This prevents the adhesive from extending to the edges of the plastic strip. The Examiner alleges that because Repaci, including column 6, lines 9-12 that "preferably, the width of each of the adhesive areas 20-25 is substantially equal to the strip 12 width, the phrase "substantially" would include the adhesive being more narrow than that of the strip. That is not the law and never has been the law. Repaci teaches, in using "substantially" to describe the width of the adhesive, that it is his intention that the adhesive areas be equal to the strip 12 width. There is no teaching or even a suggestion that the adhesive areas can be less than the strip 12. There is a definite reason, as set forth in this present application for having the width

of the adhesive be less than extending all the way to the edge of the strip. When the adhesive extends to the edge, there is created a situation where the edges of the adhesive strips, as being rolled up, will stick to each other and create a sticky mess. Consequently, this is clearly different from the Repaci teaching to take the adhesive all the way to the edge. In sharp contrast, the adhesive strips illustrated in the Repaci, et al. reference extend all the way to the two edges of the plastic strip.

The present invention contemplates shipping a plurality of rolls of the plastic strips/adhesive elements, but if, in the shipping process, one attempts to place one roll on top of another with the adhesive extending to the edges, the adhesive edges will stick together. Having the adhesive away from the edges, as called for in Claim 1, prevents this problem from occurring.

The examiner has also alleged that “merely changing the shape of the adhesive elements” is not considered inventive, thus being a basis for a rejection of Claim 5 (circular), Claim 6 (rectangular), Claim 7 (square), Claim 8 (triangular), Claim 9 (pentagonal), Claim 10 (oval), and Claim 11 (star). This rejection is respectfully traversed. It is common knowledge that changing the shape of the adhesive directly effects the area of adhesion. For example, the area of a square is greater than the area of a circle contained within such square. For another example, if a triangle is used, and depending on whether the apex is pointed up or down, the adhesion will vary, thus varying the force required to remove a package, such as a bag of potato chips. This is true for each of the claimed adhesive configurations.

It is therefore respectfully requested that the rejection of Claims 1, 2 and 4-13 under 35 U.S.C. 102, based upon the Repaci, et al. reference, be withdrawn.

Claims 5, 7-11 and 13 have been rejected under 35 U.S.C. 103, in view of the same Repaci, et al. reference. However, in view of the above comments with respect to the Repaci, et al., reference, and since Claim 1 is the only independent claim, the rejection of Claims 5, 7-11 and 13 under 35 U.S.C. 103 based upon Repaci should also be withdrawn.

Claims 1, 2 and 4-13 have also been rejected under 35 USC 102 and 103 based upon U.S. Patent No. 6,840,391 to Miller. This basis for rejection is respectfully traversed.

FIG's 5 and 5A of Miller are identified as prior art to the '391 Miller and have no coating on either side of the strip 111. Neither the adhesive buttons 115 nor the strip 111 have any coating. In “prior art” FIG's 4 and 4A, the strip 101 has an adhesive layer 103 on one of its sides and has release

paper covering the adhesive layer, just exactly like the Repaci, et al reference discussed herein above. FIG's 4 and 4A, as well as FIG's 5 and 5A of Miller show no coating on the side of the strip away from the adhesive layer.

In the preferred embodiments of Miller, there is a clear disclosure of only using the release paper 32 in a parallel relationship to the adhesive strips 23, but one in which the paper 32 is in contact with the adhesive strips 32. There is even the statement in Column 3, lines 42-46, as follows:

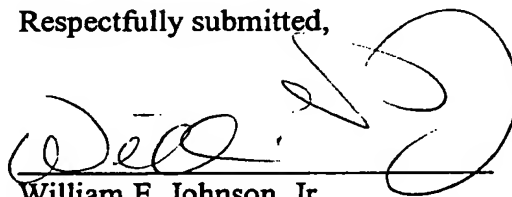
"bunching and separation of the adhesive material from the release paper 24 is not good, particularly where an adhesive material is used that is intended to dry out over a period of time, such as less than 24 hours of exposure to air."

Thus, it is very clear that the release paper, alleged to be a coating, is on the same side of the strip as the adhesive layer. Claims 1,2 and 4-13, as amended, clearly distinguish over Miller.

Based upon the above remarks, it is respectfully submitted that Claims 1, 2 and 4-13 are in *prima facie* condition for allowance and such action is courteously solicited by the undersigned attorney.

It is respectfully submitted that this amendment to Claim 1 does not create the necessity of doing additional search, and that this amendment should be entered. Counsel for the applicants would welcome a telephone conference if the Examiner is of the opinion that such a conference would be helpful in advancing the prosecution of this matter.

Respectfully submitted,



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